

ASSEMBLY, No. 4920

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

Sponsored by:
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)

SYNOPSIS

Establishes restrictions on number of dogs kept on residential property; establishes residential kennel license for property on which owner keeps and houses 15 to 25 dogs, and inspection and maintenance requirements for residential kennels.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning residential kennels, supplementing Title 4 of
2 the Revised Statutes, and amending P.L.1941, c.151.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) As used in sections 1 through 6 of P.L. , c.
8 (C.) (pending before the Legislature as this bill):

9 “Department” means the Department of Health.

10 “Inspector” means the person performing an inspection of a
11 residential kennel for a municipality, local health authority, or the
12 Department of Health pursuant to section 3 of P.L. , c. (C.)
13 (pending before the Legislature as this bill).

14 “Residential kennel” means a residential property owned or
15 rented by a person on or at which the person keeps, houses, or
16 otherwise possesses 15 to 25 dogs.

17 “Residential property” means any building and land used or held
18 for use as a home or residence, including accessory buildings and
19 outdoor areas located on the same premises and including apartment
20 buildings, condominiums, cooperatives, townhouses, and any rental
21 properties.

22

23 2. (New section) a. No person may keep, house, or otherwise
24 possess more than 25 dogs on any residential property owned or
25 rented by the person, unless the property is licensed as a kennel
26 pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8) and the
27 license is not suspended or revoked.

28 b. No person may keep, house, or otherwise possess 15 to 25
29 dogs on any property owned or rented by the person, unless the
30 person has a valid residential kennel license issued by the
31 municipality in which the residential property is located pursuant to
32 section 3 of P.L. , c. (C.) (pending before the Legislature
33 as this bill) and maintains the residential kennel in compliance with
34 any municipal requirements governing residential kennels
35 established by ordinance pursuant to subsection c. of section 3 of
36 P.L. , c. (C.) (pending before the Legislature as this bill,
37 the provisions of section 4 of P.L. , c. (C.) (pending before
38 the Legislature as this bill), and the rules and regulations adopted
39 pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14).

40 c. Any person holding a residential kennel license shall be
41 required to secure a license and official metal registration tag, as
42 required pursuant to section 2 of P.L.1941, c.151 (C.4:19-15.2), for
43 each of the dogs at the residential kennel owned by the licensee,
44 and renew the license as required pursuant to section 2 of P.L.1941,
45 c.151 (C.4:19-15.2) and by the municipality in which the residential

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 kennel is located. If any dog at the residential kennel is not owned
2 by the licensee, the licensee is required to ensure that the owner of
3 the dog obtains the required license and official metal registration
4 tag and renews the license and registration tag for the dog for the
5 period of time that the dog is at the residential kennel.

6
7 3. (New section) a. (1) A municipality shall establish, by
8 ordinance, an annual license for a residential kennel pursuant to the
9 provisions of this section.

10 (2) Any person, who keeps or proposes to keep between 15 and
11 25 dogs on residential property owned or rented by the person, and
12 is not operating a kennel licensed pursuant to section 8 of P.L.1941,
13 c.151 (C.4:19-15.8) on the property, shall apply, to the clerk or
14 other official designated to license dogs in the municipality where
15 such residential property is located, for a residential kennel license
16 authorizing the person to keep between 15 and 25 dogs on the
17 residential property. The annual license fee for a residential kennel
18 shall be \$250, to defray the cost of inspections and enforcement
19 required pursuant to P.L. , c. (C.) (pending before the
20 Legislature as this bill).

21 b. The application for a license to operate a residential kennel,
22 accompanied by the annual license fee, shall describe the premises
23 where the residential kennel is located or is proposed to be located,
24 and provide:

25 (1) proof that the applicant is at least 18 years of age;

26 (2) certification that the applicant has no prior record of a
27 conviction, or civil liability for any animal cruelty violations and
28 has no history of revocation or denial of a residential kennel
29 license;

30 (3) the number of dogs to be kept at the residential kennel;

31 (4) the name of the owner, the address of the owner, and the
32 license number of each dog in the residential kennel;

33 (5) certification that the applicant is not operating a kennel
34 licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8); and

35 (6) the applicant's attestation that the residential kennel complies
36 with municipal requirements governing residential kennels
37 established by ordinance pursuant to subsection c. of this section,
38 the provisions of section 4 of P.L. , c. (C.) (pending before
39 the Legislature as this bill), and the rules and regulations adopted
40 pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14).

41 For the purposes of this section, the premises of the residential
42 kennel shall include the entire area where the dogs are kept or
43 housed on the residential property owned or rented by the applicant.

44 c. A municipality may establish, by ordinance, municipal
45 requirements governing the operation of residential kennels in
46 addition to the requirements established pursuant to this section,
47 section 4 of P.L. , c. (C.) (pending before the Legislature

1 as this bill), and the rules and regulations adopted pursuant to
2 P.L.1941, c.151 (C.4:19-15.14).

3 d. All licenses issued for a residential kennel shall state the
4 location of the residential kennel, the number of dogs kept and
5 housed therein, the name and address of the owner of each dog, and
6 the license number of each dog. All residential kennel licenses
7 shall expire on the last day of June of each year, and shall be
8 subject to revocation by the municipality, or on recommendation of
9 the Department of Health or the local health authority for failure to
10 comply with any municipal requirements governing residential
11 kennels established by ordinance pursuant to subsection c. of this
12 section, the provisions of section 4 of P.L. , c. (C.)
13 (pending before the Legislature as this bill), or the rules and
14 regulations adopted pursuant to section 14 of P.L.1941, c.151
15 (C.4:19-15.14), after the licensee has been afforded a hearing by the
16 department or the local health authority.

17 e. (1) The local health authority shall inspect the premises of
18 the applicant's residential kennel and notify the applicant of any
19 violation of a municipal requirement governing residential kennels,
20 the requirements established pursuant to this section and section 4
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill), and the rules and regulations adopted pursuant to P.L.1941,
23 c.151 (C.4:19-15.14). If a violation is identified, the applicant shall
24 have 30 days to correct the violation. If no violation is identified,
25 or if after 30 days the violation has been corrected, the local health
26 authority shall issue written approval of compliance to the licensing
27 municipality. If there is no local health authority in the
28 municipality, the department shall perform the inspection and issue
29 the written approval of compliance.

30 (2) Prior to issuing a residential kennel license, the licensing
31 municipality shall obtain written approval of compliance by the
32 local health authority or the department pursuant to paragraph (1) of
33 this subsection.

34 f. At the time of an inspection, the applicant shall provide the
35 local health authority, or the department, as appropriate, and any
36 officers who accompany the inspector full access to the areas of the
37 property where the dogs are kept and housed and any records
38 required pursuant to section 4 of P.L. , c. (C.) (pending
39 before the Legislature as this bill). The inspector may be
40 accompanied by a county humane law enforcement officer,
41 municipal humane law enforcement officer, a certified animal
42 control officer contracted by the municipality, or any combination
43 of the three, as the inspector determines to be necessary.

44 g. The local health authority, or the department, as appropriate,
45 shall inspect each residential kennel at least once per calendar year,
46 and may inspect a residential kennel more frequently in response to
47 a complaint about the residential kennel. The local health authority,
48 or the department, as appropriate, may also inspect any residential

1 property in the municipality in response to a complaint that an
2 unlicensed residential kennel is being operated on the residential
3 property or that 15 or more dogs are being kept or housed on a
4 residential property in violation of P.L. , c. (C.) (pending
5 before the Legislature as this bill).

6 h. If the local health authority, or the department, as appropriate,
7 finds that an unlicensed residential kennel is being operated on the
8 residential property or that 15 or more dogs are being kept or
9 housed on a residential property in violation of
10 P.L. , c. (C.) (pending before the Legislature as this bill),
11 the local health authority, or the department, as appropriate, shall
12 issue to the person owning the residential property and, if rented,
13 the person renting the residential property, a notice of the violation.
14 The person shall correct the violation in no more than 90 days and
15 apply for a residential kennel license or properly and humanely
16 relocate any dog in excess of the number of dogs permitted to be
17 kept or housed on residential property without a residential kennel
18 license. If, 90 days after the date of the notice, the person owning
19 or renting the residential property is not in compliance with the
20 provisions of P.L. , c. (C.) (pending before the Legislature
21 as this bill), the local health authority or the municipality in which
22 the residential property is located may initiate court proceedings to
23 correct the violation and impose penalties, including seizure of dogs
24 kept or housed on the residential property, pursuant to section 5 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).

26

27 4. (New section) a. Each residential kennel shall comply with
28 the rules and regulations for the sanitary operation of kennels, pet
29 shops, shelters, pounds, and residential kennels established pursuant
30 to section 14 of P.L.1941, c.151 (C.4:19-15.14), any municipal
31 requirements established by municipal ordinance, pursuant to
32 subsection c. of section 3 of P.L. , c. (C.) (pending before
33 the Legislature as this bill), and the requirements established
34 pursuant to this section.

35 b. The licensee of the residential kennel shall care for the dogs
36 kept or housed in the residential kennel in compliance with
37 R.S.4:22-17; R.S.4:22-26, P.L.2017, c.189 (C.4:22-17.1 et seq.),
38 and any other provisions of chapter 22 of Title 4 of the Revised
39 Statutes or other applicable State laws concerning animal cruelty or
40 dogs.

41 c. The primary enclosures at the residential kennel shall:

42 (1) enable adequate air flow and fresh air exchange, protection
43 from the weather, and otherwise comply with the requirements for
44 proper shelter established pursuant to section 5 of P.L.2017, c.189
45 (C.4:22-17.5);

46 (2) have surfaces contacting the dogs that are constructed of
47 materials that can be adequately cleaned and sanitized, protect the

1 dog's feet and legs from injury with solid or wide-slatted flooring,
2 and are not wire-strand or gridded flooring materials;

3 (3) not be stacked one on top of the other or suspended from the
4 ceiling; and

5 (4) be of sufficient size to provide at least one foot of headroom
6 above the head of the tallest dog in the enclosure, and, when
7 measured from the tip of the nose to the base of the tail of the dog
8 kept in the enclosure, space for the dog that is (a) at least 12 square
9 feet of indoor space for each dog up to 25 inches long, (b) at least
10 20 square feet of indoor space for each dog between 25 inches and
11 35 inches long, and (c) at least 30 square feet of indoor floor space
12 for each dog 35 inches or longer.

13 d. The licensee shall permit only a licensed veterinarian to
14 perform any veterinary services, surgical procedures, surgical
15 births, or euthanasia on any dog in the residential kennel and shall
16 maintain records thereof as required pursuant to subsection g. of
17 this section. The licensee shall ensure that a licensed veterinarian
18 administers the medications and vaccinations necessary for the
19 health of the dogs, including but not limited to, medications that
20 prevent infestation by intestinal parasites and vaccinations in
21 compliance with the core vaccination recommendations of the
22 American Veterinary Medical Association, including, but not
23 limited to, rabies vaccinations for all dogs over four months of age
24 and vaccinations necessary to prevent common canine diseases such
25 as parvovirus.

26 e. If dogs are bred at the residential kennel, the licensee shall
27 maintain records concerning the births and litters of dogs as
28 required pursuant to subsection g. of this section and the licensee
29 shall ensure that:

30 (1) no female dog in the residential kennel is bred to give birth to
31 more than six litters in the female dog's lifetime; and

32 (2) no offspring are removed from the residential kennel earlier
33 than eight weeks of age, except for veterinary visits or other
34 essential medical reasons.

35 f. Each dog shall receive an annual oral dental examination,
36 each dog requiring treatment shall receive the appropriate and
37 necessary treatment of identified problems, and the licensee shall
38 maintain records thereof as required pursuant to subsection g. of
39 this section. The fur and nails of each dog shall be groomed at least
40 twice per year or as often as needed to prevent matting of the fur
41 and curling or overgrowth of the nails, and the licensee shall
42 maintain records thereof and any other grooming of the dog as
43 required pursuant to subsection g. of this section.

44 g. The licensee shall keep and maintain records of the veterinary
45 care, dental examinations, treatment, and grooming required
46 pursuant to subsections d., e., and f. of this section and the
47 following records concerning the dogs in the residential kennel:

- 1 (1) the total number of dogs kept or housed on the residential
2 property in the year preceding the effective date
3 of P.L. , c. (C.) (pending before the Legislature as this
4 bill), and for each year thereafter;
- 5 (2) the method of acquisition of each dog and, if the licensee is
6 not the dog owner, the name and address of the dog's owner;
- 7 (3) the license number for each dog in the residential kennel, and
8 any collar identification, cage card, and microchip information, as
9 applicable, matched to the individual dog's veterinary records;
- 10 (4) the disposition of a dog whenever a dog dies or otherwise
11 leaves the residential kennel, and (a) the number of dogs that died at
12 the residential kennel in the year preceding the effective date of
13 P.L. , c. (C.) (pending before the Legislature as this bill)
14 and in each year thereafter, (b) the cause of death of each dog, and
15 (c) the number of dogs sold, traded, bartered, brokered, or otherwise
16 given away or no longer kept or housed at the residential kennel in
17 the year preceding the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill) and each year
19 thereafter, and the disposition of each dog;
- 20 (5) the veterinary records for each dog, including a written
21 medical program for each dog, signed by a licensed veterinarian,
22 proof that each dog has received at least one hands-on veterinarian
23 examination each calendar year, and the records of the licensed
24 veterinarian providing care to the dogs, the dates of any
25 administration of medications and vaccinations and the type thereof,
26 and any veterinary procedures performed on the dog while the dog
27 is at the residential kennel, including the record of euthanizing a
28 dog and the reason for the euthanizing; and
- 29 (6) as applicable, the records of the number of litters birthed each
30 year by dogs in the residential kennel, the number of live and still
31 born puppies in each litter, the testing of the puppies for genetic
32 conditions, and the results of the testing.
- 33 h. All records required pursuant to this section shall be retained
34 for three years, and shall be maintained so as to be available upon
35 demand to the Department of Health, a local health authority, or a
36 municipal official authorized to inspect residential kennels or
37 enforce animal control and welfare in the municipality.
- 38
- 39 5. (New section) a. Any person who violates section 2 of
40 P.L. , c. (C.) (pending before the Legislature as this bill) or
41 fails to correct a violation identified in an inspection conducted
42 pursuant to section 3 of P.L. , c. (C.) (pending before the
43 Legislature as this bill) shall be subject to a civil penalty as
44 provided in subsection b. of this section, to be collected in a civil
45 action by a summary proceeding under the "Penalty Enforcement
46 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal
47 court and the Superior Court shall have jurisdiction to enforce the

1 provisions of the "Penalty Enforcement Law of 1999" in connection
2 with this section.

3 b. A court may impose a civil penalty pursuant to this subsection
4 as follows:

5 (1) for a violation of section 2 of P.L. , c. (C.) (pending
6 before the Legislature as this bill), a civil penalty of \$250, and an
7 additional civil penalty of \$375 if the violation continues 60 days
8 after the first notice of the violation;

9 (2) for a violation of a municipal ordinance governing residential
10 kennels, the provisions of section 3 of P.L. , c. (C.)
11 (pending before the Legislature as this bill), except as provided in
12 paragraph (3) of this subsection, the provisions of section 4
13 of P.L. , c. (C.) (pending before the Legislature as this
14 bill), or the rules and regulations adopted pursuant to section 14 of
15 P.L.1941, c.151 (C.4:19-15.14), that is (a) identified pursuant to
16 subsection g. of section 3 of P.L. , c. (C.) (pending before
17 the Legislature as this bill), and (b) not corrected within 30 days, a
18 civil penalty of \$250, and an additional civil penalty of \$375 if the
19 violation is not corrected 60 days thereafter;

20 (3) for a violation of the licensing requirements established in
21 section 3 of P.L. , c. (C.) (pending before the Legislature
22 as this bill) that is identified pursuant to subsection h. of section 3
23 of P.L. , c. (C.) (pending before the Legislature as this bill)
24 and is not corrected within 90 days, a civil penalty of \$500; and

25 (4) for any violation that continues more than 90 days, a civil
26 penalty of \$500.

27 c. If a municipality, the Department of Health, or local health
28 authority finds a violation remains uncorrected for more than 90
29 days, the municipality may also petition the court to confiscate and
30 forfeit all dogs present on the residential property or the number of
31 dogs necessary to bring the number of dogs present on the
32 residential property to less than 15. The municipality may also,
33 after a hearing by the department or the local health authority,
34 revoke any residential kennel license for the residential property
35 and prohibit the person owning or renting the residential property
36 from obtaining or maintaining a residential kennel license and
37 keeping or housing 15 dogs or more on any residential property in
38 the municipality.

39

40 6. (New section) The provisions of P.L. , c. (C.)
41 (pending before the Legislature as this bill) shall not be construed to
42 confer any land use rights onto the person registering a residential
43 kennel. Any commercial operations or other activities on the
44 property shall comply with the appropriate and required provisions
45 of local and State law governing the zoning and regulation thereof.
46 The provisions of P.L. , c. (C.) (pending before the
47 Legislature as this bill) shall not supersede or interfere with a

1 person pursuing the necessary local approvals concerning variances
2 or other permits for land use.

3

4 7. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to
5 read as follows:

6 14. a. The **【State】** Department of Health shall, within six
7 months of the approval of **【this act】** P.L.1941, c.151 (C.4:19-15.1
8 et seq.) and with the **【co-operation】** cooperation and assistance of
9 the **【State】** Department of Agriculture, **【prepare and promulgate】**
10 adopt rules and regulations governing the sanitary conduct and
11 operation of kennels, pet shops, shelters, and pounds, to preserve
12 sanitation therein and prevent the spread of rabies and other
13 diseases of dogs within and from such establishments.

14 **【Such】** b. The Department of Health, pursuant to the
15 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
16 seq.), shall revise the rules and regulations adopted pursuant to
17 subsection a. of this section to include provisions governing the
18 sanitary conduct and operation of residential kennels licensed
19 pursuant to section 3 of P.L. , c. (C.) (pending before the
20 Legislature this bill).

21 c. The rules and regulations adopted pursuant to this section
22 shall be enforced by the **【State】** Department of Health **【and by】**,
23 local boards of health, and local health authorities.
24 (cf: P.L.1941, c.151, s.14)

25

26 8. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill establishes certain prohibitions concerning the number
32 of dogs that can be kept by a person on residential property, and
33 requires a person who keeps or houses 15 to 25 dogs on residential
34 property the person owns or rents, to license the property as a
35 residential kennel. The bill also provides for inspection
36 requirements and operational requirements for residential kennels
37 pursuant to sections 3 and 4 of the bill and authorizes additional
38 requirements to be established by municipal ordinance and the
39 revision of the Department of Health (DOH) regulations adopted
40 pursuant to section 14 of P.L.1941, c. 151 (C.4:19-15.14).

41 Specifically, the bill prohibits:

42 1) a person from keeping, housing, or otherwise possessing more
43 than 25 dogs on any residential property owned or rented by the
44 person, except if the property is licensed as a kennel by the
45 municipality in which it is located; and

46 2) a person from keeping, housing, or otherwise possessing 15 to
47 25 dogs on any property owned or rented by the person, unless the

1 person has a valid residential kennel license issued by the
2 municipality in which the residential property is located pursuant to
3 section 3 of the bill.

4 The bill requires each dog in the residential kennel to have an
5 individual license and establishes requirements in section 3 of the
6 bill for the residential license, issuance of the license, and renewal
7 thereof. The bill provides that a municipality may establish
8 additional requirements for residential kennels by ordinance and
9 that all the requirements established under the bill be enforced by
10 the municipality, local health authority, or the DOH. A residential
11 kennel license would be subject to revocation by the licensing
12 municipality, after a hearing by the DOH or the local health
13 authority, upon a recommendation by the DOH or local health
14 authority for failure to comply with the bill's requirements for a
15 residential kennel. In addition to municipal and State requirements,
16 section 4 of the bill establishes requirements for the operation of
17 residential kennels, including keeping and maintaining records as
18 enumerated in subsection g. of section 4 of the bill, which must be
19 kept for three years and made available to the DOH, local health
20 authority, or municipality upon demand.

21 In addition to license revocation, the bill provides that violators
22 who fail to correct violations of the bill's provisions would be
23 subject to civil penalties as enumerated in section 5 of the bill, and
24 may be subject to the confiscation and forfeiture of dogs on the
25 residential property pursuant to subsection c. of section 5 of the bill.

26 The bill also specifies that:

27 1) the bill's provisions cannot be construed to confer any land
28 use rights onto the person licensing a residential kennel;

29 2) any commercial operations must comply with the appropriate
30 and required provisions of local and State law governing the zoning
31 and regulation thereof; and

32 3) the bill's provisions would not supersede or interfere with a
33 person pursuing the necessary local approvals concerning variances
34 or other permits for land use.

35 Finally, the bill directs the DOH to revise current rules and
36 regulations governing the sanitary conduct and operation of
37 kennels, pet shops, shelters, and pounds to include provisions
38 governing the sanitary conduct and operation of residential kennels.